

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

GREGG L. DUCKWORTH,)	
)	
Plaintiff,)	
)	
vs.)	CIVIL NO. 02-381-DRH
)	
DAVID J. MADIGAN, et al.,)	
)	
Defendants.)	

MEMORANDUM AND ORDER

HERNDON, Chief Judge:

Plaintiff has filed a motion for leave to proceed *in forma pauperis* on appeal (Doc. 114), but he has not submitted a certified copy of his prison trust fund account statement for the six-month period immediately preceding the filing of the notice of appeal as required by 28 U.S.C. § 1915(a)(2).

IT IS THEREFORE ORDERED that Plaintiff shall submit, within **THIRTY (30) DAYS** of the date of the entry of this order, a certified copy of his prison trust fund account statement for the six-month period immediately preceding the filing of the notice of appeal. Plaintiff is **ADVISED** that in the event he has been transferred among institutions during this six-month period, it is Plaintiff's responsibility to obtain a copy of his prison trust account statement from each such facility and to forward it to the Court.

Plaintiff is **FURTHER ADVISED** that his obligation to pay the \$455 filing fee for this appeal was incurred at the time the notice of appeal was filed; such an obligation will exist whether or not Plaintiff is granted leave to proceed *in forma pauperis* on appeal. *See Newlin v. Helman*, 123

F.3d 429 (7th Cir. 1997), *overruled on other grounds*, *Lee v. Clinton*, 209 F.3d 1025, 1026 (7th Cir. 2000). **Failure to file a certified copy of the prison trust account statement required by 28 U.S.C. § 1915 (a)(2) within thirty days will be construed as equivalent to a decision to dismiss the appeal.** *See Thurman v. Gramley*, 97 F.3d 185, 187 (7th Cir. 1996).

IT IS SO ORDERED.

DATED: October 30, 2007.

/s/ David R Herndon
CHIEF JUDGE
UNITED STATES DISTRICT COURT